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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

In re R.R., a Person Coming Under the
Juvenile Court Law.

CITY OF LOS ANGELES et al.,

Plaintiffs and Appellants,

v.

L.S. et al.,

Objectors and Respondents.

E072130

(Super.Ct.No. RIJ1101388)

OPINION

APPEAL from the Superior Court of Riverside County. Mark E. Petersen, Judge.

Reversed and remanded with directions.

Michael N. Feuer, City Attorney; Blithe S. Bock, Assistant City Attorney; Paul L. Winnemore, Deputy City Attorney, for Plaintiffs and Appellants.

No appearance for Objectors and Respondents.

I.

INTRODUCTION

On December 10, 2018, plaintiffs and appellants, City of Los Angeles, and Jose Chavez, filed a request with the Superior Court of Riverside County for disclosure of documents from a juvenile case file pertaining to R.R. In support of its request, appellants claimed L.S. (mother) had filed a civil action against appellants seeking damages for the alleged wrongful death of R.R. and that R.R.'s juvenile records might disclose a standing defense in the civil action if mother's parental rights had been previously terminated. The juvenile court summarily denied the request and appellants appeal from that order. For the reasons set forth below, we reverse the juvenile court's order.

II.

FACTS AND PROCEDURAL BACKGROUND

On May 18, 2017, mother filed a complaint for damages in the United States District Court for the Central District of California which alleged a cause of action for the wrongful death of R.R. as the result of a police encounter. The complaint also alleged a series of survival claims brought on behalf of the estate of R.R. by mother as R.R.'s successor-in-interest. It named appellants, as well as two other Los Angeles Police Department officers, Francisco Zaragoza and Isaac Fernandez, as defendants.

On September 11, 2018, mother testified in a deposition pursuant to her civil action that R.R. had been declared a ward of the juvenile court as a teenager. Mother

testified that R.R. had committed some unspecified offense which resulted in R.R.'s placement in juvenile hall until the age of 17.

On October 18, 2018, Officer Fernandez filed a request for disclosure of R.R.'s juvenile case file with the Juvenile Court of Riverside County. The request noted that the underlying juvenile proceeding pertaining to R.R. was initiated pursuant to Welfare & Institutions Code section 602.¹ It further claimed that the civil action filed in federal district court constituted good cause for release of R.R.'s juvenile records and attached a six page list of requested documents. On November 2, 2018, an objection was filed on behalf of R.R., stating that the request was overbroad, not relevant and contrary to the "interests of the child, the estate of the child and the obligation for confidentiality of Juvenile Court records." On November 20, 2018, the juvenile court issued an order on Officer Fernandez's request, stating "The child is deceased and the court will conduct a review of the juvenile case file and any filed objections." On November 21, 2018, the juvenile court issued an order after its review denying the request as overbroad.

¹ Unless otherwise noted, all statutory references are to the Welfare and Institutions Code.

On December 10, 2018, appellants filed their own request for disclosure of records from R.R.'s juvenile case file. The request noted that the underlying juvenile proceeding pertaining to R.R. was initiated pursuant to section 601. In support, appellants claimed that R.R.'s juvenile court records would be relevant to the issue of mother's standing in her civil action because the records might show mother's parental rights had been previously terminated. Appellants attached the civil complaint filed by mother, an excerpt from the transcript of mother's deposition testimony in the civil action, and an order of the United States District Court staying the civil action pending resolution of the request for R.R.'s juvenile court records. On December 12, 2018, an objection was filed on behalf of R.R. on the grounds that appellants' request was not relevant and "does not outweigh the interests of the child, the estate of the child and the obligation for confidentiality of Juvenile Court records." On December 26, 2018, the Riverside County Department of Public Social Services filed its own objection to appellants' request. On January 2, 2019, the juvenile court denied appellants' request, finding "The child is alive and the request is denied. The applicant has not shown good cause for the release of the requested records."

Appellants challenge the denial of their request arguing that (1) the juvenile court's discretion is statutorily limited by section 827, subdivision (a)(2)(A), which sets forth a statutory presumption regarding records of deceased children, (2) the juvenile court abused its discretion in finding that appellants did not show good cause for release

of R.R.’s records, and (3) the juvenile court abused its discretion in finding that R.R. was “alive.”

III.

DISCUSSION

A. Applicable Legal Principles

“It is the express intent of the Legislature that ‘juvenile court records, in general, should be confidential’” . . . “reflect[ing] a long recognized public policy of protecting the confidentiality of juvenile proceedings and records.” (*In re Gina S.* (2005) 133 Cal.App.4th 1074, 1081.) As such, juvenile court records may not be obtained or inspected by civil or criminal subpoena. (Cal. Rules of Court, rule 5.552(b).) Instead, a party wishing to inspect or obtain juvenile records must file a petition in accordance with sections 827, 827.12, 828 and Rule 5.552. (*In Re Elijah S.* (2005) 125 Cal.App.4th 1532, 1553, fn. 16.) “When such a petition is presented, the juvenile court’s duty is to ‘balance the interest of the child and other parties to the juvenile court proceedings, the interests of the petitioner, and the interests of the public. . . . To do so, the court ‘must take into account any restrictions on disclosure found in other statutes, the general policies in favor of confidentiality and the nature of any privileges asserted, and compare these factors to the justification offered by the applicant’ in order to determine what information, if any, should be released to the petitioner.” (*People v. Superior Court* (2003) 107 Cal.App.4th 488, 492.)

The juvenile court's decision with respect to release of juvenile records is reviewed for abuse of discretion. (*In re Elijah S.*, *supra*, 125 Cal.App.4th at p. 1541; *Pack v. Kings County Human Services Agency* (2001) 89 Cal.App.4th 821, 835.) However, "[t]he abuse of discretion standard is not a unified standard; the deference it calls for varies according to the aspect of a trial court's ruling under review. The trial court's findings of fact are reviewed for substantial evidence, its conclusions of law are reviewed de novo, and its application of the law to the facts is reversible only if arbitrary and capricious." (*Cahill v. San Diego Gas & Electric Co.* (2011) 194 Cal.App.4th 939, 957; see also *In re C.B.* (2010) 190 Cal.App.4th 102, 123.)

B. Section 827, Subdivision (a)(2)(A) Does Not Apply

Appellants first argue that the juvenile court's discretion with respect to the release of a deceased child's records is statutorily limited by section 827, subdivision (a)(2). Specifically, appellants contend this provision represents a statutory presumption favoring release of any juvenile records pertaining to deceased children. We disagree with such an expansive interpretation of the statute.

Because this issue involves the interpretation and application of a statute, our review is de novo. (*In re Dakota J.* (2015) 242 Cal.App.4th 619, 627.) Section 827, subdivision (a)(2)(A) unambiguously states: "Notwithstanding any other law . . . juvenile case files, *except those relating to matters within the jurisdiction of the court pursuant to [s]ection 601 or 602*, that pertain to a deceased child *who was within the jurisdiction of the juvenile court pursuant to [s]ection 300*, shall be released to the public pursuant to an

order by the juvenile court after a petition has been filed and interested parties have been afforded an opportunity to file an objection.” (§ 827, subd. (a)(2)(A), italics added.)

Thus, contrary to appellants’ argument, the statute does not apply to every request for a deceased child’s juvenile records. Instead, this paragraph expressly applies only to juvenile records of dependency proceedings (where jurisdiction is pursuant to section 300) and explicitly excludes juvenile records pertaining to matters involving jurisdiction pursuant to section 601 or 602.

Here, appellants’ request for records identified the underlying proceeding as a petition filed pursuant to section 601. Thus, the provisions set forth in section 827, subdivision (a)(2) do not apply to appellants’ request. In the absence of a statutory exception, appellants’ request is governed by the same provisions applicable to any other request for juvenile records. Those provisions are found in section 827, subdivision (a)(1)(Q) and California Rules of Court, rule 5.552, which do not distinguish between records of living or deceased children. Appellants are not entitled to any special presumptions in favor of disclosure of a deceased child’s juvenile records where the records do not pertain to a dependency proceeding.

C. Finding That Appellants’ Request Lacked Good Cause Was an Abuse of Discretion

Appellants also contend that the juvenile court abused its discretion when it found appellants failed to meet their burden to show good cause for the requested records. Based upon the circumstances presented in this case, we agree.

A “petitioner seeking access to juvenile court records must first show good cause.” (*In re Keisha T.* (1995) 38 Cal.App.4th 220, 240; *In re R.G.* (2000) 79 Cal.App.4th 1408, 1416.) Only after good cause is shown is the juvenile court required to engage in the careful balancing of the competing interests in order to make disclosure decisions. (*J.E. v. Superior Court* (2014) 223 Cal.App.4th 1329, 1337-1338; Cal. Rules of Court, rule 5.552(d)(1) [providing for summary denial absent good cause].) Upon review of the juvenile court’s application of the law to the facts, its ““ruling will not be disturbed, and reversal is not required, unless the trial court exercised its discretion in an arbitrary, capricious, or patently absurd manner that resulted in a manifest miscarriage of justice.”” (*People v. Lewis* (2009) 46 Cal.4th 1255, 1286; *In re C.B.*, *supra*, 190 Cal.App.4th at p. 123.)

Appellants here sought to obtain portions of R.R.’s juvenile case file for the purpose of investigating mother’s standing in her civil action. While the need to obtain directly relevant information for use in civil litigation can constitute good cause in support of a request for release of juvenile records,² appellants’ showing in this case was

² See *R.S. v. Superior Court* (2009) 172 Cal.App.4th 1049, 1055 [release of minor’s videotaped interview to facilitate settlement of threatened civil tort action]; *In re Anthony H.* (2005) 129 Cal.App.4th 495, 505 [civil suit against county and social services employees may justify release of records]; *In re Gina S.*, *supra*, 133 Cal.App.4th at p. 1087 [release of juvenile records to allow parents to pursue a civil claim against county social service department]; *Navajo Express v. Superior Court* (1986) 186 Cal.App.3d 981, 985-986 [release of records justified by need to conduct discovery of issues raised by minor as plaintiff in civil action].

not particularly strong.³

Nevertheless, when Officer Fernandez initially made a more expansive request for release of R.R.'s juvenile records, the juvenile court agreed to conduct a review of R.R.'s records. As we have already explained, the fact of R.R.'s death did not render such request subject to any special presumptions or procedures. Thus, in agreeing to conduct a review, the juvenile court implicitly found that Officer Fernandez's need for discovery in the civil action constituted good cause. The juvenile court would have had no occasion to review R.R.'s records absent such a finding.

Yet when Appellants subsequently sought disclosure of R.R.'s juvenile records based upon the same reasons presented by Officer Fernandez, the juvenile court summarily denied the petition on the ground that Appellants' request did not constitute good cause. The juvenile court summarily denied the request despite the fact that appellants presented additional documents in support of their good cause showing and requested a much narrower subset of documents from R.R.'s juvenile file. We can ascertain no reason why the juvenile court, when presented with two separate requests for the same records based upon substantively identical showings of good cause, would find

³ We note that the likelihood of relevant information in R.R.'s juvenile file appears minimal. Termination of parental rights in a juvenile delinquency proceeding is "rare." (*In re W.B.* (2012) 55 Cal.4th 30, 59 [commenting on frequency of termination of parental rights in the context of Indian Child Welfare Act].) Such an outcome typically only occurs where the wards of the juvenile court have been placed into foster care for extended periods of time. (§ 727.31, 727.32.)

good cause in one instance but not the other. Such an outcome appears arbitrary and we reverse the decision for this reason.

D. Finding R.R. To Be Alive Was Not Prejudicial

Finally, appellants argue that the juvenile court abused its discretion in finding that R.R. was alive.⁴ The juvenile court's pure findings of fact are normally reviewed for substantial evidence. (*In re C.B.*, *supra*, 190 Cal.App.4th 102; *In re Ryan N.* (2001) 92 Cal.App.4th 1359, 1373.) However, we need not conduct such a review here, as any error in this regard could not have been prejudicial. As previously noted, the fact of R.R.'s death was not relevant to establishing a presumption in favor of disclosure or establishing a special procedure for review of appellants' section 827 petition. While this fact would certainly have been relevant to the juvenile court's balancing of interests after a finding of good cause, the juvenile court never conducted such a balancing since it summarily denied appellants' petition. Upon remand, the juvenile court will have an opportunity to consider the facts relevant to R.R.'s alleged death and balance any interests accordingly in determining what, if any, records from R.R.'s juvenile case file should be disclosed.

⁴ On appeal, it appears that no parties are contesting the fact of R.R.'s death.

IV.

DISPOSITION

The juvenile court's order of January 2, 2019, summarily denying appellants petition is reversed. The cause is remanded with instructions to the juvenile court to conduct an in camera review of R.R.'s juvenile case file to determine whether documents relevant to the issues raised in appellants' section 827 petition exist and, if such documents exist, to exercise its discretion to determine whether such documents should be disclosed and the appropriate scope of any such disclosure after balancing the competing interests of the parties.

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FIELDS
J.

We concur:

RAMIREZ
P. J.

McKINSTER
J.